Motion Papers.

October Term, 1890.

Supreme Court of the United States.

No. 12

THE AMERICAN EXPRESS COMPANY

Plaintiff in Error,

vs.

FRED. A. MAYNARD, Attorney-General of the State of Michigan, on relation of GEORGE F. MOORE et al.,

Defendants in Error.

NOTICE OF MOTION TO ADVANCE MOTION AND AFFIDAVIT.

LEWIS CASS LEDYARD,

Of Counsel.

In the Supreme Court of the United States

THE AMERICAN EXPRESS COMPANY,
Respondent and Plaintiff in Error,

AGAINST

FRED A. MAYNARD, Attorney-General of the State of Michigan, on relation of GEORGE F. MOORE ET AL.,
Petitioner and Defendant in Error.

Notice of Motion to Advance.

Notice is hereby given that, upon the affidavit of Lewis Cass Ledyard, verified the 21st day of April, 1899, and upon the record in the above-entitled suit removed to this Court by writ of error to the Supreme Court of the State of Michigan, I shall on Monday, May 1st, 1899, at the opening of Court on that day, or as soon thereafter as counsel can be heard, submit to the Supreme Court of the United States at the Capitol in the City of Washington, and argue, a motion to advance this case attached hereto, a copy of which is herewith served on you.

LEWIS CASS LEDYARD,
Of Counsel for Plaintiffs in Error.

To MR. C. E. WARNER,
Of Counsel for Defendant in Error.

LEED. THROUGH POOR COPY

IN THE
SUPREME COURT OF THE UNITED STATES.

THE AMERICAN EXPRESS COMPANY, Respondent and Plaintiff in Error, AGAINST FRED A. MAYNARD, Attorney-General of the State of Michigan, on relation of GEORGE F. MOORE ET AL., Petitioner and Defendant in Error.	Motion to Advance.

Now comes The American Express Company, the said plaintiff in error, by Lewis Cass Ledyard, its counsel, and upon the affidavit of the said Lewis Cass Ledyard and the record in the above-entitled suit, removed to this Court by writ of error to the Supreme Court of the State of Michigan, moves this Honorable Court that this case may be heard on the day fixed by order of the Court for the hearing of the case of Crawford, complainant-appellant, against William L. Hubbell, as treasurer of the Adams Express Company, defendant-appellee—to wit, on the 16th day of October, 1899—and that the 2d day of October, 1899, be fixed for the argument of this case, and for such other relief as to this Honorable Court may seem just.

Dated April 21st, 1899.

LEWIS CASS LEDYARD,
Of Counsel.

IN THE SUPREME COURT OF THE UNITED STATES.

THE AMERICAN EXPRESS COMPANY,
Respondent and Plaintiff in Error,

AGAINST

FRED A. MAYNARD, Attorney-General of the State of Michigan, on relation of GEORGE F. MOORE ET AL.,
Petitioner and Defendant in Error.

SOUTHERN DISTRICT OF NEW YORK, }
County of New York, } ss.:

LEWIS CASS LEDYARD, being duly sworn, deposes and says he is the attorney for the plaintiff in error in the above-entitled action; the writ of error in this case has been obtained to review the decision of the Supreme Court of Michigan affirming the judgment of the Circuit Court for the County of Wayne that a mandamus issue to the American Express Company and Charles F. Reed, commanding it and him to receive, accept, transmit and deliver any and all goods, wares and merchandise offered or tendered to the company for transportation when the fees and charges for such goods are paid, offered or tendered, and to issue to the shippers or consignors throughout the State of Michigan a bill of lading or other evidence of receipt for each shipment with the stamp required by the Act of Congress of June 13th, 1888, duly attached thereto and canceled, without demanding or requiring of such consignors or shippers the said stamp or the value thereof.

BLEED. THROUGH POOR COPY

This case arises upon the same state of facts that are presented in the case of William Crawford, Complainant-Appellant, vs. William L. Hubbell; as Treasurer of the Adams Express Company, Defendant-Appellee, and in it the same questions are involved on which the Circuit Court of Appeals for the Second Circuit desires the instruction of this Court for the proper determination of that case, and which the said Court has certified to this Court for its determination, to wit:

"(1) Does the War Revenue Act of June 13, 1898, impose upon the carrier exclusively the tax represented by the stamp to be affixed to each bill of lading, manifest or other evidence of receipt required to be issued to eace shipper of goods accepted by the carrier for transportation; or does it impose the tax merely upon the transaction of shipment, leaving it to be paid indifferently by either party thereto?

"(2) If the War Revenue Act of June 13, 1898, does impose such tax exclusively upon the carrier, does it preclude the carrier, who is by such act required to issue to each shipper a bill of lading, manifest or other evidence of receipt, from relieving itself of the expense of affixing and canceling the stamp required to be attached to such bill of lading, manifest or other evidence of receipt?"

This Court, by an order dated the 11th day of April, 1899, has fixed the sixteenth day of October, 1899, for hearing argument upon the questions certified to it in case of Crawford vs. Hubbell, and it will promote the public interest if this case can be heard at the same time.

(Sd.) LEWIS CASS LEDYARD.

Sworn to before me this 21st day of April, 1899.

WALTER F. TAYLOR,
Notary Public,
New York County.

[SEAL.]